



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1998

Ms. Lilia Ledesma
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-3312

Dear Ms. Ledesma:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 120686.

The City of McAllen (the "city") received a request for a specified offense report. In response to the request, you submit to this office for review a copy of the information at issue. You assert that the requested information is excepted from disclosure based on sections 552.101 and 552.108 of the Government Code.¹

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Although the offense occurred in 1996, you inform us that the requested information pertains to an ongoing investigation. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime."

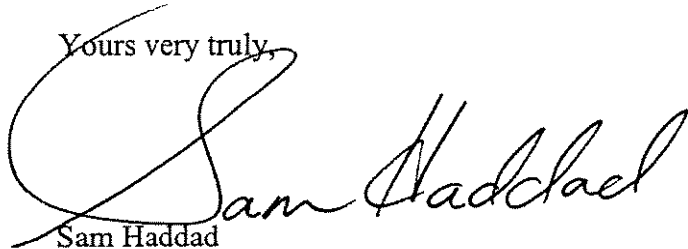
However section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of*

¹In your letter to this office, you raise section 51.14 of the Texas Family Code as it pertains to juvenile records, and appear to assert that the offense involved juvenile suspects. However, a review of the submitted information does not support your claim. Therefore, under the facts presented, we need not consider the applicability of any other provision of law.

Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense information, the city may withhold the requested information from disclosure based on section 552.108(a)(1).²

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large initial "S" that loops around the first part of the name.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 120686

Enclosures: Submitted documents

cc: Ms. Susan Sullivan
Griffith, Saenz & Hill
100 East Savannah, Suite 620
McAllen,, Texas 78503
(w/o enclosures)

²The city also has discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.